



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/150,549	09/09/98	JOHNSON	W DA9-92-108B

ANDREW J DILLON
FELSMAN BRADLEY GUNTER & DILLON
SUITE 305, LAKEWOOD ON THE PARK
7600B NORTH CAPITAL OF TEXAS HIGHWAY
AUSTIN TX 78731

TM02/0911

EXAMINER

HUYNH, B

ART UNIT

PAPER NUMBER

2173

DATE MAILED:

09/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/150,549

Applicant(s)

Johnson et al

Examiner

Huynh-Ba

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 10, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, and 9-12 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

BA HUYNH
PRIMARY EXAMINER

Art Unit: 2173

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-7, 9-12 are rejected under 35 U.S.C. 103(a) as being obvious over US patent #5,416,901 (Torres).

- As for claims 1, 7: Torres teaches a method/system for execution of a predefined process within a data processing system having a plurality of objects (figure 2A) and a pointing device 20 having buttons 24, 26 (figure 1) and an associated movable cursor 60 displayed therein, comprising steps/means for specifying a predefined process by recording user inputs (col. 2, lines 30-53; col. 5, lines 63-66; col. 4, lines 11-22) within the data processing system, associating the predefined process with the cursor 60 (col. 8, lines 3-12), executing the predefined process on objects 38, 40 in response each subsequent graphic selection of a suitable objects 38, 40 and depression of a button by a user using the cursor (col. 8, lines 6-48; figure 3, step 90) . Torres fails to clearly teach the association is disabled in response to another user input. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to

Art Unit: 2173

implement the disabling the association in response to a user input to Torres. Motivation of the implementation is for disabling the copy mode and go on with other tasks.

- As for claims 3, 9: The system determines whether the process may or may not be executed on the particular object 62 selected by the cursor (col. 8, lines 12-35).

- As for claims 4, 10: An error message is generated if it is determined that the process may not be executed on the particular object 62 (col. 8, lines 14-16)

- As for claims 5, 11: The user defined process may be applied to one or more objects within the data processing system (col. 7, lines 43-54; col. 8, line 1 - col. 9, line 9).

- As for claims 6, 12: The defined process is dragged to icon 62 (col. 8, lines 8-12).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3-7, 9-12 have been considered but are not deemed persuasive.

REMARKS:

Torres teaches the generating of a pre-defined process, represented by a selection icon 56, which is a general purpose data template (col. 5, lines 21-23). The general purpose selection icon 56 is applied to each subsequent selection of any icon of the same type (col. 8, lines 20-35; figure 3, steps 82, 84, 90). The applicants argue that Torres's icon 56 must be re-selected every time after each drop operation, therefore does not teach the claimed limitation "executing said pre-defined process on any suitable object and depression of a mouse button... *in response to*

Art Unit: 2173

each subsequent graphic selection of a suitable object...". In response to the argument, Torres teaches the executing the icon 56 on any suitable object in response to user input (step 76). If the user input is to apply the icon 56 (step 82) then the APPLY steps are is executed, i.e., icon 56 is dragged to icon 62 and mouse button is depressed (col. 8, lines 6-12. Figure 5). At the end of the APPLY, the system loops back to step 76 for receiving next subsequent user input which can be another APPLY input. In the loop of figure 3 icon 56 can be subsequently applied to any suitable object selected by the user. Thus Torres read on the amend language "executing said pre-defined process on any suitable object and depression of a mouse button... *in response to each subsequent graphic selection of a suitable object...*".

Torres fails to clearly teach the association of the icon 56 with the cursor is disabled, i.e., the loop is terminated in response to another user input. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the disabling the association in response to a user input to Torres. Motivation of the implementation is for disabling the template copy mode and go on with other tasks.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2173

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquires

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cabeca, John can be reached on (703) 308-3116.

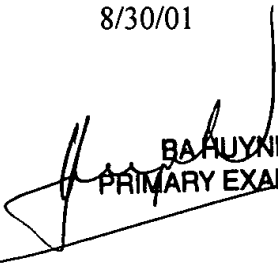
All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the

Art Unit: 2173

Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Huynh-Ba
Primary Examiner
Art Unit 2173
8/30/01


BA HUYNH
PRIMARY EXAMINER